

REMARKS

Reconsideration of this application is requested. Claims 16-25 are in the case.

I. ELECTION/RESTRICTION

The election of Group I, claims 1-11 is hereby affirmed. Claims 12-14 have been canceled without prejudice to the possibility of pursuing that subject matter in a separate divisional application.

II. CLAIM OBJECTIONS

Claim 11 has been objected to under 37 C.F.R. 1.75(c) as allegedly of improper dependent form. In response, the subject matter for claim 11 now appearing as new claim 25, has been properly presented in independent form.

In order to improve the form of the claims, original claims 1-11 have been canceled and replaced by new claims 16-25, which are in a form more suited to U.S. practice. The numerals appearing in parenthesis have been canceled and the "characterised in that" language has been replaced by "wherein" or other appropriate language customarily employed in U.S. claims. No new matter is entered.

III. THE 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTION

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for the reasons described on pages 3 and 4 of the Action. In response, and without conceding to the merit of the Examiner's rejections, the Examiner's points received attention in the preparation of the new claims presented with

this response. Withdrawal of the outstanding formal rejection is now respectfully requested.

IV. THE ANTICIPATION REJECTION

Claims 1, and 9-11 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent 4,448,195 to LeVeen et al. That rejection is respectfully traversed.

Claim 16 presented herewith is directed to a balloon which is characterized by the following two features:

- a) the wall (1) of the balloon has a substantial uniform thickness and incorporates reinforcing fibres (3) which act to limit the maximum radial expansion of the balloon;
- b) the intermediate section (9) of the balloon is preformed with a radial diameter which corresponds substantially to that of the balloon at its maximum unstretched radially expanded state.

It will be noted that the whole of the balloon wall has to incorporate the reinforcing fibres. In LeVeen, it is only the portions on either side of the balloon which are reinforced (see Figures 5 and 6). It is believed therefore that the stated position in the action is not correct, that the reinforcing fibres in LeVeen must inherently limit radial expansion of the balloon because there are no reinforcing fibers in the balloon section of the one-piece catheter in LeVeen. A further distinction is that in column 2 at line 41 in LeVeen it is stated that the catheter (10) includes a "molded thinned portion 12", whereas the balloon of the invention has a wall of uniform thickness.

In light of the above, it is clear that LeVeen does not anticipate the presently claimed invention. Reconsideration and withdrawal of the outstanding anticipation rejection are accordingly respectfully requested.

V. THE OBVIOUSNESS REJECTIONS

Claims 2-7 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LeVeen in view of Guzauskas (U.S. Patent 5,747,553). Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as allegedly over LeVeen in view of (U.S. Patent 3,616,199). Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LeVeen et al. Those rejections are respectfully traversed.

Claims 2-7, now appearing as new claims 17-22 are each dependent, either directly or indirectly on claim 16. Claim 16 is neither anticipated nor suggested by LeVeen. The secondary references relied on by the Examiner do not in any way give rise to a *prima facie* case of obviousness of claim 16 and therefore do not suggest the subject matter of dependent claims 17-22. Absent any such suggestion, it is clear that one of ordinary skill would not have been motivated to arrive at the subject matter of claims 17-22 based on the combined disclosures relied on by the Examiner. A *prima facie* case of obviousness has therefore not been generated in this case.

Reconsideration and withdrawal of the outstanding obviousness rejections are accordingly respectfully requested.

Allowance of the application is awaited.

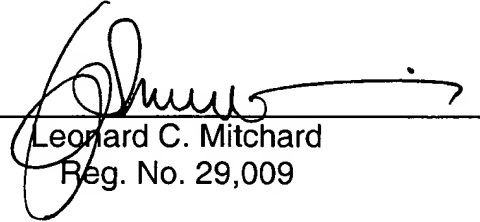
ANDREWS et al
Serial No. 09/678,486

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

Claims 1-14 are canceled.

New claims 16-25 are added.